



Grafton Conservation Commission

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD

GRAFTON, MASSACHUSETTS 01519

Phone: (508) 839-5335 ext. 1138 • FAX: (508) 839-4602

www.grafton-ma.gov • concom@grafton-ma.gov

March 15, 2022

NSTAR Gas / Eversource Energy
247 Station Drive, SE270
Westwood, MA 02090

Subject: Determination of Applicability
Pine Street – along public way (Assessor's Map 21 & 5, Lot 1A & 5)

NSTAR Gas / Eversource Energy:

At their March 1st meeting, the Conservation Commission reviewed your Request for Determination of Applicability. At that time, the Commission voted to issue a negative determination for the proposed work at the above referenced location. There are conditions attached to this Determination which must be met.

Enclosed is the original Determination of Applicability for your records. This Determination is valid for 3 years from the date issued.

If you have any questions or concerns, please contact the office at 508-839-5335 extension 1138, or via e-mail at: concom@grafton-ma.gov

Sincerely,

Jan Elyse Taylor

Jan Elyse Taylor
Conservation Assistant

Enclosures: State and Bylaw Determination of Applicability & Conditions Attachment

Cc: Travis Yandow of SWCA Environmental Consultants, Inc.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important:
When filling out
forms on the
computer, use
only the tab
key to move
your cursor -
do not use the
return key.



From:

Grafton
Conservation Commission

To: Applicant

NSTAR Gas d/b/a Eversource Energy

Name

247 Station Drive, SE270

Mailing Address

Westwood

MA

02090

City/Town

State

Zip Code

Property Owner (if different from applicant):

Town of Grafton

Name

30 Providence Road

Mailing Address

Grafton

MA

01519

City/Town

State

Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Water Resources Map

1/2022

Title

Date

Ortho Imagery Map

12/2021

Title

Date

USGS Locus Map

12/2021

Title

Date

2. Date Request Filed:

2/3/2022

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Installation of Gas Main

Project Location:

Pine Street - Along Public Roadway

Street Address

21 & 5

Assessors Map/Plat Number

Grafton

City/Town

1A & 5

Parcel/Lot Number



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 2 – Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

- ☐ 1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.
- ☐ 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

- ☐ 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

- ☐ 3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.
- ☐ 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).
- ☐ 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

- ☐ 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
-
-

- ☐ 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- ☐ Alternatives limited to the lot on which the project is located.
- ☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- ☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- ☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- ☐ 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- ☐ 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- ☐ 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
-
-

- ☐ 4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

- ☒ 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Minor Buffer Zone activity 310 CMR 10.02(2)(b)(2)(i)

Exempt Activity (site applicable statutory/regulatory provisions)

- ☐ 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- ☐ by hand delivery on ☒ by certified mail, return receipt requested on

Date

3/15/2022

Date

This Determination is valid for three years from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

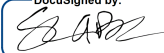
WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

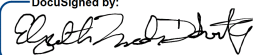
C. Authorization (cont.)

The signatures electronically inserted below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9 and pursuant to the Commission's electronic signature authorization vote recorded on 06/11/2020 in Book 62574 and Page 216 at the Worcester Registry of Deeds.

Signatures:

DocuSigned by:

8A4FF1C4C5FB4CA...
Signature

Sandra Brock
Printed Name

DocuSigned by:

909B1C217AE5471...
Signature

Elizabeth Doherty
Printed Name

DocuSigned by:

513D0980B08B4E1...
Signature

Jonathan Nickerson
Printed Name

Signature

Printed Name

Signature

Printed Name

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address _____ b. City/Town, Zip _____
c. Check number _____ d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____
Mailing Address _____
City/Town _____ State _____ Zip Code _____
Phone Number _____ Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____
Mailing Address _____
City/Town _____ State _____ Zip Code _____
Phone Number _____ Fax Number (if applicable) _____

4. DEP File Number:

Important:
When filling
out forms on
the computer,
use only the
tab key to
move your
cursor - do
not use the
return key.



B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
☐ Superseding Determination of Applicability – Fee: \$120
☐ Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the Commonwealth of Massachusetts, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

Request for Departmental Action Fee Transmittal Form

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a copy of this form and a copy of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



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Form 2: Determination of Applicability
Grafton Wetlands Protection Bylaw & Regulations

Rev. 5/16
Pg. 1 of 4

Date RDA Filed: Project Location:

Assessor's Map #: Lot #:

Applicant: Address:

Owner: Address:

Project Description:

Plan Title: <input type="text" value="Water Resources Map"/>	Date: <input type="text" value="1/2022"/>
<input type="text" value="Ortho Imagery Map"/>	Date: <input type="text" value="12/2021"/>
<input type="text" value="USGA Locus Map"/>	Date: <input type="text" value="12/2021"/>

Determination: Pursuant to the authority of the Grafton Wetlands Protection Bylaw, the Grafton Conservation Commission has reviewed your request for a Determination of Applicability and its supporting documentation, and has made the determination checked below.

Positive Determinations: No work within the jurisdiction of the Grafton Wetlands Protection Bylaw may proceed until a Permit (issued following submittal of an Application for a Permit) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the Commission.

☐ The area described on the referenced plan(s) is an area subject to the Grafton Wetlands Protection Bylaw. Removing, filling, dredging, or altering of the area requires the filing of an Application for a Permit.

☐ The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Grafton Wetlands Protection Bylaw and its regulations regarding such boundaries for as long as this Determination is valid.



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Form 2

Pg. 2 of 4

Project Location:

Pine Street - Along Public Roadway

☐ The boundaries of the resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination of Applicability.

☐ The work described on the referenced plan(s) and document(s) is within an area subject to protection under the Grafton Wetlands Protection Bylaw and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of an Application for a Permit.

☐ The work described on the referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Grafton Wetlands Protection Bylaw. Therefore, said work requires the filing of an Application for a Permit or ANRAD Simplified Review (if work is limited to the Buffer Zone).

☐ The following area and/or work, if any, is subject to the Grafton Wetlands Protection Bylaw but not subject to the Massachusetts Wetlands Protection Act:

☐ If an Application for a Permit is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

☐ Alternatives limited to the lot on which the project is located.

☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.

☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.

☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.



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Form 2

Pg. 3 of 4

Project Location:

Pine Street - Along Public Roadway

Negative Determinations: No further action under the Grafton Wetlands Protection Bylaw is required by the applicant.

☐ The area described in the Request is not an area subject to protection under the Grafton Wetlands Protection Bylaw or the Buffer Zone.

☒ The work described in the Request is within an area subject to protection under the Grafton Wetlands Protection Bylaw, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of an Application for a Permit.

☐ The work described in the Request is within the Buffer Zone, as defined in the Grafton Wetlands Protection Bylaw Regulations, but will not alter an Area subject to protection under the Grafton Wetlands Protection Bylaw. Therefore, said work does not require the filing of an Application for a Permit, subject to the following conditions (if any):

☐ The work described in the Request is not within an Area subject to protection under the Grafton Wetlands Protection Bylaw (including the Buffer Zone). Therefore, said work does not require the filing of an Application for a Permit, unless and until said work alters an Area subject to protection under the Grafton Wetlands Protection Bylaw.

☐ The area described in the Request is subject to protection under the Grafton Wetlands Protection Bylaw. Since the work described therein meets the requirements for the following exemption, as specified in the Grafton Wetlands Protection Bylaw and the regulations, no Application for a Permit is required:

☐ The area and/or work described in the Request is not subject to review and approval by the Grafton Conservation Commission pursuant to the Grafton Wetlands Protection Bylaw.



Grafton Conservation Commission

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Form 2

Pg. 4 of 4

Project Location:

Pine Street - Along Public Roadway

This Determination is issued to the applicant and delivered as follows:

☐ by hand delivery or ☒ by certified mail, return receipt requested

on (Date of Issuance): 3/15/2022

This Determination is valid for three years from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the property owner (if different from the applicant).

The signatures electronically inserted below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9 and pursuant to the Commission's electronic signature authorization vote recorded on 06/11/2020 in Book 62574 and Page 216 at the Worcester Registry of Deeds.

Issued by:

Grafton Conservation Commission

Signatures:

DocuSigned by:

8A4FF1C4C5FB4CA...

DocuSigned by:

909B1C217AE5471...

DocuSigned by:
Jonathan McKerson
513D0980B08B4E1...

Determination of Applicability: Pine Street gas line

Waiver:

The Commission granted a waiver from Section V.C.5.a of Grafton Wetlands Protection Bylaw Regulations to allow for temporary and permanent impacts to the 25-foot no-disturb zone due to the nature of the project.

Special Conditions:

1. Prior to commencement of work, catch basin protection and erosion control shall be installed where indicated on the plan
2. Any erosion control within or adjacent to the 25-foot no-disturb area shall be installed partially on the pavement, staked at the pavement edge
3. Any non-biodegradable erosion control shall be removed post project completion